

# MEMORANDUM

COSHAC  
Agenda Item No. 2 (C)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

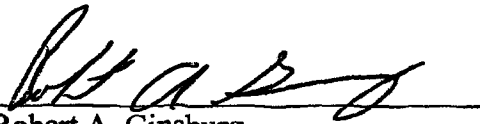
**DATE:** April 13, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
Election Campaign  
Financing Trust Fund

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.

  
Robert A. Ginsburg  
County Attorney

RAG/bw

# Memorandum

**Date:**

**To:** Honorable Chairman Joe A. Martinez  
and Members Board of County Commissioners

**From:** George M. Burgess  
County Manager



**Subject:** Ordinance relating to Election Campaign Financing Trust Fund

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This ordinance relating to the Election Campaign Financing Trust fund amending Section 12-22 of the Code of Miami-Dade County will have no fiscal impact to Miami-Dade County.

Fiscal02405



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** January 20, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 13(M)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 13(M)

1-20-05

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ELECTION CAMPAIGN FINANCING TRUST FUND; AMENDING SECTION 12-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING ELIGIBILITY REQUIREMENTS; REQUIRING THAT CONTRIBUTORS TO CANDIDATES SIGN SPECIFIED STATEMENT; IMPOSING PENALTIES FOR PROVIDING FALSE INFORMATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 12-22 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 12-22. >>Election Campaign Financing Trust Fund<<

\* \* \*

- (c) *Election campaign financing; eligibility.* Each candidate for the Office of Mayor of Miami-Dade County or the Board of County Commissioners of Miami-Dade County who desires to receive contributions from the Election Campaign Financing Trust Fund (the "Fund") shall file a request by the filing deadline for such contributions with the filing officer on forms provided by the Miami-Dade

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

County Supervisor of Elections. As used in this subsection, "filing deadline" shall mean ~~>>~~ten (10) business days before~~<<~~ the last day upon which a candidate may qualify for the elective office sought. If a candidate requesting contributions from the Fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. To be eligible to receive contributions from the Fund, a candidate shall not be an unopposed candidate and shall:

- (1) Sign a statement of understanding wherein the candidate states that he or she has read, understands and agrees to abide by Section 12-22 of the Code and the applicable Administrative Order regarding the Election Campaign Financing Trust Fund.
- (2) Qualify as a candidate pursuant to Chapter 99, Florida Statutes and section 2.04 of the Home Rule Charter;
- (3) Limit loans or contributions from the candidate's personal funds to twenty-five thousand dollars (\$25,000.00), which loans or contributions shall not qualify for meeting the threshold amounts in subsection (c)(5);
- (4) Submit to audits of the campaign account by the Commission on Ethics and Public Trust as provided in subsection (f)(3); and
- (5) Raise contributions as follows:
  - a. Candidates for Board of County Commissioners. Each candidate for the Board of County Commissioners shall have received by the filing deadline at least two hundred (200) separate contributions between fifteen dollars (\$15.00) and two hundred and fifty dollars (\$250.00) from two hundred (200) different registered voters residing in Miami-Dade County totalling at least fifteen thousand dollars (\$15,000). Any candidate who satisfies the requirements stated in the preceding sentence shall be eligible for a contribution

of fifty thousand dollars (\$50,000) as provided in subsection (f)(3). Each candidate for the Board of County Commissioners who receives by the filing deadline an additional ten thousand dollars (\$10,000) in contributions between fifteen dollars (\$15.00) and two hundred and fifty dollars (\$250.00) for a total of twenty-five thousand dollars (\$25,000) shall be eligible for a contribution of an additional twenty-five thousand dollars (\$25,000) as provided in subsection (f)(3). These contributions must be in the form of:

1. A personal check [[:]] >>. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.<<
2. Money order that includes the contributor's >>full<< name and address;
3. Traveler's check that includes the contributor's >>full<< name and address; or
4. Electronic transfer of funds where the >>full<< name of the contributor is clearly stated.

- b. Candidates for Mayor. Each candidate for Mayor of Miami-Dade County shall have received at least one thousand (1,000) contributions between fifteen dollars (\$15.00) and two hundred fifty dollars (\$250.00) from one thousand (1,000) different registered voters residing in Miami-Dade County. These contributions must be in the form of:

1. A personal check [[:]] >>. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.<<
2. Money order that includes the contributor's >>full<< name and address;
3. Traveler's check that includes the contributor's >>full<< name and address; or
4. Electronic transfer of funds where the >>full<< name of the contributor is clearly stated.

>>Each person who makes a contribution to a candidate seeking to receive contributions from the Election Campaign Financing Trust Fund shall sign a statement under oath (hereinafter "Contributor's Statement"), on a form provided by the Supervisor of Elections, wherein he or she states:

"My full name is . I live at . My date of birth is . My voter's registration number is . I am making a \$ contribution to (name of candidate) (hereinafter the "Candidate"). I am aware that my contribution may be used by the Candidate to qualify for contributions from the Miami-Dade County Election Campaign Financing Trust Fund."

Any person who knowingly provides false information on a Contributor's Statement shall be deemed to have violated subsection (c). When determining whether a candidate is eligible for a contribution from the Fund, the Supervisor of Elections shall reject any contribution which does not satisfy the requirements of section 12-22.<<

\* \* \*

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.



Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

GKS

Gerald K. Sanchez

Sponsored by Commissioner Sally A. Heyman